

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit & Site Plan Review
(BZZ-1848)

Date: August 9, 2004

Applicant: James Rock, Colliers Turley Martin & Tucker, 200 South Sixth Street, Suite 1400, Minneapolis, MN 55402

Address of Property: 2940 30th Avenue South

Project Name: East Lake Brake Service

Contact Person and Phone: James Rock, Colliers Turley Martin & Tucker, 200 South Sixth Street, Suite 1400, Minneapolis, MN 55402, 612-347-9305

Planning Staff and Phone: Becca Farrar, 612-673-3594

Date Application Deemed Complete: June 30, 2004

End of 60-Day Decision Period: August 28, 2004

End of 120-Day Decision Period: Not applicable

Ward: 9 - Gary Schiff **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: C2 (Neighborhood Corridor Commercial District)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 27

Lot Area: 1,898 square feet or .04 acres

Legal Description: Not applicable for this application

Proposed Use: Conditional Use Permit & Major Site Plan Review Application for automobile repair, minor, more specifically brake repair.

Concurrent Review:

- Conditional Use Permit for a minor automobile repair business (brake repair) in the C2 (Neighborhood Corridor Commercial) district.
- Major Site Plan review for a minor automobile repair business (brake repair).

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 530 Site Plan Review, and Chapter 536, Specific Development Standards.

Background: The applicant, James Rock, proposes to locate a 1,058 square foot minor automobile repair shop specializing in brake repair within an existing building located on the property at 2940 30th Avenue South. The building was formerly occupied by a minor auto repair business known as East Lake Brake Service for nearly 20 years. Prior to that a similar automotive repair business operated on the site for nearly 30 years. The property is zoned C2, which permits minor vehicle repair facilities with a conditional use permit, however, major site plan review and approval is required. Staff is requiring the conditional use permit for the property, as the use has been discontinued for approximately the past year.

The existing 1,058 square foot building is located on a lot approximately 1,898 square feet in size. The building is located on the north property line, within .1 feet of the west property line and within .3 feet of the south property line. The rest of the site, approximately 840 square feet, is entirely asphalt. The site is accessed off of 30th Avenue South

Conditional Use Permit:

A. Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit :

The Minneapolis Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The site is located approximately a half block off Lake Street East. Lake Street is a Commercial Corridor and within the general vicinity of the subject property, adjacent parcels are zoned C2. The property to the north of the subject site is zoned R4 and is a duplex residential dwelling unit. The business has been operating as a minor automobile repair business for over 50 years. Staff believes that the use is compatible with the other uses in the area as it has been in the past and should not be detrimental or endanger the public health, safety, morals, comfort or general welfare.

Additionally, the new business owners are experience mechanics and have completed coursework at St. Paul Technical College in automotive repair. The shop will be operated with safety as the number one priority and all OSHA requirements will be strictly upheld.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is a developed residential and commercial area. The use of the building for minor automobile repair should have little impact on the area. Similar uses have operated on this property for the past 50 years. The new business owners will operate their business in the tradition of a well-established neighborhood business, while integrating their training and safety requirements.

3. Adequate utilities, access roads, drainage, necessary facilities, or other measures have been or will be provided.

The project will include adequate utility service, access, and drainage consistent with all pertinent regulations. There may be additional requirements regarding sewer design and stormwater runoff as plans are circulated for approval through Public Works, prior to permit issuance.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The building is existing and has no on site parking spaces for the business. The site is not required to have any on site parking spaces as 4 are required and the rights are grandfathered. Staff has determined that there is not adequate area to allow any parking in front of the building (east side). The applicant does not believe that parking will be an issue as there is adequate area within the existing building to park 3 vehicles as necessary. Additionally, most vehicles will be repaired on a same day basis. Any vehicles left overnight will be parked inside of the building.

5. Is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan designates this specific site as being located adjacent to a commercial corridor. The subject parcel is located near the intersection of 30th Avenue South and Lake Street East. Lake Street is a commercial corridor. There are several policies in place that support the proposed plan. Policy 4.3 on page 1.4.4 states that “Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.”

Further, Policy 4.4 on page 1.4.4 states that “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.”

The proposed use of the site is in conformance with *The Minneapolis Plan*.

6. And does in all other respects conform to the applicable regulations of the district in which it is located upon approval of these conditional use and other permits.

The use is subject to specific hours of operation per the C2 zone district regulations. The facility can be open to the public from 6:00 a.m. to 10:00 p.m. Sunday through

Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business will meet these hours.

The business will conform to the specific development standards as listed in Chapter 536 for automobile repair, minor.

If all land use/zoning applications are approved, including a major site plan review, the proposal will comply with the provisions of the C2 District.

B. SITE PLAN REVIEW

Required Findings for Major Site Plan Review

- a. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review (refer Section A below for evaluation.)**
- b. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).**
- c. **The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).**

Section A: Conformance with Chapter 530 of Zoning Code

Building Placement and Facade:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**

- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The building is existing. The main entrance to the proposed minor automobile repair business is off the large asphalt area to the east of the building, located directly off of 30th Avenue South. The building is located on the north property line, within .1 feet of the west property line and within .3 feet of the south property line. The exterior material is relatively compatible on all sides of the building as it is predominantly composed of brick & masonry block. The colors of the façade do not match but are compatible. The building appears to meet the 30 percent window requirement on the east side facing 30th Avenue South.

Access and Circulation:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The site is accessed via existing sidewalks, although the building is not located directly adjacent to the public sidewalk. Vehicles will continue to access the site off of 30th Avenue South as there is one existing curb cut onto the parcel where customers pull into the facility. There will be no off-street parking provided for the proposed business as Staff has determined that the only available area not covered by the building is inadequate. A parking variance is not needed however, as the 4 required spaces are grandfathered. Once repairs are made on vehicles located within the building, the cars are picked up by their owners. The business owners intend to have all repairs finished on a same day basis.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**

- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Currently there is no landscaping on site. The applicant proposes to install a landscape planter adjacent to the building where the dumpster currently is located. The dumpster will be relocated to the interior of the existing building. Staff believes that there are opportunities to add landscaping to the existing inadequately landscaped areas. Staff will require perimeter landscaping of 3 feet (due to the location of the door) along the north property line and 5 feet along the east property line adjacent to the boulevard. Additionally, the 8 foot interior boulevard adjacent to the public sidewalk along 30th Avenue South must be restored with sod. The landscaped areas, as well as the remaining driveway must be curbed. All driveways are required to be defined by a six (6) inch by six (6) inch continuous concrete curb.

The applicant will be able to meet the 20% landscape requirement with the above listed recommendations, inclusive of the interior boulevard calculations. Approximately 30% of the site

will be landscaped. The on site square footage will be approximately 143 square feet or 17.5% and approximately 104 square feet or 12.5% will be the interior boulevard landscaped areas.

Additional Standards:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Department has reviewed the plans.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

There is no on site parking lot due to the inadequate area. The addition of landscaping to the east side of the property along 30th Avenue will provide additional screening. There is existing lighting on site. All lighting will comply with Chapters 535 and 541. The building is existing. The City's CPTED officer recommends that any additional plantings follow the 3' – 7' rule to allow visibility on site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards for automobile repair, minor:

Section 536, Specific Development Standards, requires the following for automobile repair, minor:

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- (6) The use shall employ best management practices regarding the venting of odors, gas and fumes.

Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

- (7) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Hours of Operation: Hours that the facilities can be open to the public under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business will meet these hours.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage: No new signage is proposed at this time. All new signage is required to meet the requirements of the code. The applicant shall submit a sign inventory, so the Zoning Office can review all new signage for compliance with the code before any new sign permits are issued.

Alternative Compliance:

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is not necessary for this site.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development, Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a minor automobile repair business located on the property at 2940 30th Avenue South

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

The Department of Community Planning and Economic Development, Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan application for a minor automobile repair business located on the property at 2940 30th Avenue South subject to the following conditions:

- 1) Staff review and approval of the final site, landscaping, lighting, and snow storage and removal plans before permits may be issued and improvements are installed. All site improvements shall be completed by August 10, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before permits may be issued.
- 3) The use is subject to the specific development standards for automobile repair, minor found in Section 536 of the Zoning Ordinance.
- 4) The use is subject to specific hours of operation per the C2 zone district regulations. The facility can be open to the public from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business will meet these hours.
- 5) Staff will require that the landscaped areas, as well as the remaining driveway must be defined by a six (6) inch by six (6) inch continuous concrete curb.
- 6) Installation of sod within the 8 foot interior boulevard adjacent to the public sidewalk along 30th Avenue South in order to restore the boulevard.
- 7) Staff will require perimeter landscaping of 3 feet (due to the location of the door) along the north property line and 5 feet along the east property line adjacent to the boulevard. The plans are subject to Staff review and approval.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos